

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF  
AMERICA,

No. 2:13-CR-00124-TOR-4

Plaintiff,

## ORDER REGARDING DISCOVERY AND PRETRIAL MOTIONS

DANIEL C VILLALOBOS,

Defendant.

## OPEN FILE DISCOVERY

In voluntary discovery cases, the United States, within seven (7) business days of the date of arraignment, shall deliver to the Defendant all investigative material in its file, required by the Federal Rules of Criminal Procedure, specifically including, but not limited to, police and incident reports and Defendant's criminal record. The United States shall continue to furnish discovery as received and complete the process within **fourteen (14) days** of the date of this Order, or within **fourteen (14) days** from receipt by Plaintiff of the discovered material, if later received. These directives assume a defense request for discovery pursuant to Fed. R. Crim. P. 16, and impose a reciprocal duty to provide discovery. If a Defendant does not wish to invoke the rule, the Defendant shall file a notice, prior to accepting discovery from the government.

## **NOTICE OF NON-DISCOVERY**

If the United States, for any reason, is not going to voluntarily provide all investigative material, it will serve and file a notice to that effect within seven (7) days of this Order. If discovery received after the date of this Order is not going to be voluntarily furnished, a notice to that effect shall be filed and served within seven (7) days of the United States' receipt of such material. Absent the filing of such notice, all discovery shall be promptly furnished consistent with the provisions of this Order.

## DEFENSE MOTIONS

If the United States serves and files the seven-day notice of non-disclosure, Defendant shall file discovery motions within fourteen (14) days thereafter. Except as earlier provided, and to prevent manifest injustice, Defendant shall have thirty (30) days from arraignment to file other motions.

## SCEDULING MOTIONS

Responses to motions shall be filed and served no later than seven (7) days, excluding weekends and holidays, from receipt of motions. Replies, if any, shall be filed within seven (7) days, excluding weekends and holidays, of receipt of responses. Motions shall be noted for hearing with or without oral argument, pursuant to local rules. Unless shortened by the court, upon motion and good cause shown, oral argument should be noted for the time of the pretrial conference, provided this schedule permits all briefing to occur within the time frame set forth in LR 7, Local Rules for the Eastern District of Washington.

## **NOTICE OF CONFLICT OF INTEREST**

The representation by one lawyer, or by different members of one

1 law firm, of two or more Defendants charged under the same  
2 instrument or charged with factually related offenses will be permitted  
3 only on a showing that no conflict does, or will likely exist, or on a  
4 knowing waiver, executed in open court before a federal district  
5 judge.

6 Counsel who plan to represent two or more Defendants charged  
7 under the same instrument, or charged with factually related offenses,  
8 shall immediately file a motion to secure prior approval of such  
9 representation by the federal district judge to whom this case is  
10 assigned.

11 In addition, counsel shall promptly investigate whether other  
12 conflicts exist that may prevent representation, and bring any potential  
13 conflicts to the attention of the court as soon as possible.

14 **IT IS SO ORDERED.**

15 DATED March 17, 2014.

16 S/ JOHN T. RODGERS  
17 UNITED STATES MAGISTRATE JUDGE  
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